

AMENDED IN SENATE MAY 1, 2002

AMENDED IN SENATE APRIL 11, 2002

SENATE BILL

No. 1405

Introduced by Senator O'Connell

February 13, 2002

An act to amend Sections 45344.5 and 45361.5 of, and to add Section 45273.1 to, the Education Code, relating to instructional aides.

LEGISLATIVE COUNSEL'S DIGEST

SB 1405, as amended, O'Connell. Paraprofessionals: instructional aides.

Existing law provides that no person shall be initially assigned to assist in instruction as an instructional aide, as defined, or to assist in instruction as a teacher aide for kindergarten and grades 1 to 12, inclusive, unless the person has demonstrated proficiency in basic reading, writing, and mathematics skills up to or exceeding that required for high school seniors, as provided.

This bill, ~~instead,~~ would *apply those requirements to paraprofessionals and would* require a school district that employs a paraprofessional to ensure that the paraprofessional has demonstrated, through a local assessment, knowledge of, and ability to assist in instructing reading, writing, and mathematics. The bill would define paraprofessional for these purposes to include an instructional aide or a teacher aide. The bill would require a paraprofessional that is supported by specified federal funds to have passed a proficiency exam, as specified. The bill would exempt a paraprofessional who ~~was hired on or before January 1, 2003,~~ *meets certain requirements* from the exam requirement.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 ~~(1)~~

4 (a) Paraprofessionals are instructional aides, teacher aides,
5 library aides, special education aides, speech-language aides, and
6 other classified school employees who assist a classroom teacher
7 or a certificated employee. Paraprofessionals provide extra
8 support to students, freeing teachers to focus intensively on
9 instruction. Not only do well-trained paraprofessionals play a
10 positive role in student achievement, veteran paraprofessionals
11 play an even more important role in classrooms taught by
12 inexperienced, emergency credentialed teachers.

13 ~~(2)~~

14 (b) Paraprofessionals are dedicated, committed, and reflective
15 of the community in which they work, and know the students'
16 languages and cultures. They also provide an excellent pool from
17 which to draw experienced minority paraprofessionals into the
18 teaching profession.

19 ~~(3)~~

20 (c) The duties of a paraprofessional include assisting teachers
21 in various tasks, reinforcing lesson plans, helping organize
22 classrooms and equipment, and helping with paperwork and other
23 administrative duties so that teachers have more time to focus on
24 instructing students.

25 ~~(4) California is a major participant in the Title I program~~

26 (d) *California is a major participant in the Title I program*
27 under the recently enacted federal legislation, No Child Left
28 Behind Act of 2001 (P.L. 107-110). Since 1982, paraprofessionals
29 in California public schools have been assessed for their

1 proficiency and ability to assist teachers and certificated personnel
2 in teaching reading, writing, and ~~math~~ *mathematics*. This
3 legislation is intended to ensure that state law conforms with
4 federal law regarding the testing requirements for
5 paraprofessionals supported by federal Title *I* funds.

6 SEC. 2. Section 45273.1 is added to the Education Code, to
7 read:

8 45273.1. (a) As used in this section, a paraprofessional
9 means a person who assists classroom teachers and other
10 certificated personnel in instructing reading, writing, and
11 mathematics. A paraprofessional includes an instructional aide as
12 defined in subdivision (a) of Section 45343 and a teacher aide as
13 described in Section 45360.

14 (b) A paraprofessional shall perform only duties that, in the
15 judgement of the certificated personnel to whom the instructional
16 aide is assigned, may be performed by a person not licensed as a
17 classroom teacher. These duties shall not include assignment of
18 grades to pupils.

19 (c) A school district shall ensure that a paraprofessional who
20 assists in instruction has demonstrated, through a local *or state*
21 assessment, knowledge of, and ability to assist in instructing
22 reading, writing, and mathematics. ~~Educational qualifications and~~
23 ~~proficiency exams developed by a school district shall be~~
24 ~~appropriate to the responsibilities to be assigned to the~~
25 ~~paraprofessional.~~

26 ~~(d)~~

27 (1) *No person shall be initially assigned to assist in instruction*
28 *as a paraprofessional in kindergarten and grades 1 to 12 inclusive,*
29 *unless the person has demonstrated proficiency in reading,*
30 *writing, and mathematics skills up to or exceeding that required by*
31 *the employing district for high school seniors pursuant to*
32 *subdivisions (a) and (f) of Section 51220 if the employing district*
33 *educates high school students.*

34 (2) *If the employing district is an elementary school district, the*
35 *paraprofessional shall demonstrate proficiency in reading,*
36 *writing, and mathematics skills up to or exceeding that required for*
37 *high school seniors pursuant to subdivision (a) and (f) of Section*
38 *51220 in the high school district that includes all or the largest*
39 *portion of the elementary district.*

1 (d) *In establishing the educational qualifications or in*
2 *developing a proficiency exam, a school district shall align the*
3 *qualifications and proficiency exams pursuant to subdivision (c).*

4 (e) Pursuant to Title I of the federal No Child Left Behind Act
5 of 2001 (P.L. 107-110), a paraprofessional that is supported by
6 Title I funds shall have passed a proficiency exam pursuant to
7 subdivision (c). A paraprofessional who provides services related
8 to language translation or parental involvement activities is
9 exempt from the exam requirements of this subdivision and
10 subdivision (c).

11 ~~(e)~~

12 (f) A paraprofessional who was hired on or before January 1,
13 2003, is deemed to have met the proficiency exam requirements
14 of subdivisions (c) and ~~(d)~~ (e).

15 ~~(f)~~

16 (g) *A paraprofessional who holds an associate in arts degree or*
17 *who has completed two years of higher education is deemed to*
18 *have met the proficiency exam requirements of subdivisions (c) and*
19 *(e).*

20 (h) A school district may use an existing proficiency exam to
21 test a paraprofessional, or may develop a new proficiency exam to
22 meet the exam requirements of subdivisions (c) and ~~(d)~~ (e).

23 SEC. 3. Section 45344.5 of the Education Code is amended
24 to read:

25 45344.5. (a) No person shall be initially assigned to assist in
26 instruction as an instructional aide unless the person has
27 demonstrated proficiency in basic reading, writing, and
28 mathematics skills pursuant to Section 45273.1.

29 (b) A school district may charge prospective aides taking the
30 district's proficiency test a fee to fund the costs incurred by the
31 district in giving the test. This fee may be subject to negotiation
32 between the district and the exclusive representative of
33 instructional aides, but in no event shall the fee exceed seven
34 dollars (\$7).

35 (c) An instructional aide who passes a district proficiency test
36 as required by this section, transfers to another district, and is
37 employed in the same capacity shall be considered to have met the
38 proficiency standards for purposes of this section unless the
39 district to which he or she has transferred determines that the test

1 taken by the aide is not comparable to the standards required by the
2 employing district.

3 SEC. 4. Section 45361.5 of the Education Code is amended
4 to read:

5 45361.5. (a) No person shall be initially assigned to assist in
6 instruction for work as an aide for instructional purposes in
7 kindergarten and grades 1 to 12, inclusive, unless the person has
8 demonstrated proficiency in basic reading, writing, and
9 mathematics skills pursuant to Section 45273.1.

10 (b) As used in this section, “initially assigned” means any
11 assignment, including substitute, temporary, probationary, or
12 permanent employment, to assist in instruction as an aide for
13 instructional purposes.

14 (c) A school district may charge a fee to prospective aides
15 taking the district proficiency test pursuant to the requirements of
16 this section to fund the costs incurred by the district in giving the
17 test. This fee may be subject to negotiation between the district and
18 the exclusive representative of instructional aides, but in no event
19 shall the fee exceed seven dollars (\$7).

20 (d) The school district governing board, at a public meeting,
21 may grant an exemption from this requirement to any person, for
22 a period of one year, if the person is to be assigned as a
23 bilingual-crosscultural aide and the governing board determines
24 that there is no other person available to serve in the same capacity.
25 Upon or prior to the expiration of the one-year period, the
26 bilingual-crosscultural aide shall be required to take and pass the
27 basic skills test required by this section. A bilingual-crosscultural
28 aide who has not demonstrated his or her basic skills proficiency
29 through these means may not be compensated for work as a
30 bilingual-crosscultural aide. A bilingual-crosscultural aide may
31 only be granted one exemption from this requirement. The
32 authority of district governing boards to grant these exemptions
33 shall cease on June 30, 1985.

34 (e) An aide who passes a district proficiency test as required by
35 this section who transfers to another district and is employed in the
36 same capacity, shall be considered to have met the proficiency
37 standards for purposes of this section unless the district to which
38 he or she has transferred determines that the test taken by the aide
39 is not comparable to the standards required by the employing
40 district.

1 (f) An aide who passes a district proficiency test, as required by
2 this section, and who is reassigned to another school or program
3 in the district and is employed in the same capacity, shall be
4 considered to have met the state basic skills proficiency test
5 requirement.

6 SEC. 5. No reimbursement is required by this act pursuant to
7 Section 6 of Article XIII B of the California Constitution because
8 a local agency or school district has the authority to levy service
9 charges, fees, or assessments sufficient to pay for the program or
10 level of service mandated by this act, within the meaning of
11 Section 17556 of the Government Code.

